

Appendix D

RECOMMENDATIONS ON REVISED METHODOLOGY

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The panel made the following recommendations related to its operations.

Establish the authority of a review panel from the outset. It was especially important to have the authority of the panel and the powers to collect confidential data spelled out in an executive order.

Appoint independent counsel to the panel from the outset. Having a noted law firm to interpret the various rules regarding privacy, record keeping, public vs. private meetings, and authority to obtain information expedited the work of the panel, and allowed it to move forward more confidently than if uncertain about the ground rules under which it operated. The governor's office also suggested having independent counsel to avoid conflicts of interest.

As an investigating body, the panel should be expressly authorized to meet in closed sessions from the outset. It was the desire of the panel and the governor's office to conduct a review as transparent and open to the public and media as possible. However, some discussion needs to be held in private while discussing and formulating opinions. The largest methodological problem faced by the panel probably was the limited ability to have multiparty conference calls or meetings in private with more than two panel members to discuss controversial issues.